

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ALQWONE WESTON, ALBERT  
LOVETT, JR., and LAQUWONDA JOHNSON  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAISY LEE WESTON,

Respondent-Appellant.

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UNPUBLISHED  
February 15, 2005

No. 256520  
Genesee Circuit Court  
Family Division  
LC No. 87-075305-NA

Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993).

Respondent had a long history with protective services, dating back to 1987 and an older child, involving drug use and failure to care for her children. At least three of respondent's children were born prematurely with low birth rates and positive cocaine screens. Respondent admitted to the use of cocaine when she was pregnant with a fourth child who was born prematurely with a low birth rate and died two weeks after he was born. This case commenced after respondent abandoned the minor children for several days while on a drug binge. The minor children were taken into temporary care. The permanency plan was reunification and respondent entered into a parent agency agreement requiring parenting classes, domestic violence classes, mental health treatment, and substance abuse treatment.

It is undisputed that respondent attempted to comply with the terms of the parent agency agreement and did have some success. She participated in parenting classes, completed domestic violence classes, found a means to obtain appropriate housing for the minor children, participated in substance abuse treatment programs, and participated in treatment for her mental health problems. However, despite attending these classes and treatment programs, respondent

continued to have problems with domestic violence and continued to abuse drugs. Respondent had several positive cocaine drug screens and numerous positive opiate drug screens, and she refused to participate in drug screens on many occasions. Twenty days after completion of a substance abuse treatment program, respondent tested positive for cocaine. Although she claimed to have abstained from drug use in her testimony at the termination trial, respondent did not comply with the drug screens that she was given for a three-month period prior to the trial.

The minor children had been in the temporary custody of the court for three years. Respondent had a longer time than most parents to deal with her substance abuse, and the court's findings that respondent was unable to benefit from extensive services by maintaining sobriety, and that there was no reasonable likelihood that she would overcome her substance abuse within a reasonable time, were supported by clear and convincing evidence. Respondent's lengthy history of drug abuse, including her pattern of abandoning her children during periods of drug use, establishes the likelihood that the children would be harmed if returned to her care.

Affirmed.

/s/ Michael J. Talbot  
/s/ William C. Whitbeck  
/s/ Kathleen Jansen